

**761—605.4(252J,321) Persons not to be licensed.**

**605.4(1)** The department shall not knowingly issue a license to any person who is ineligible for licensing.

**605.4(2)** The department shall not knowingly license any person who is unable to operate a motor vehicle safely because of physical or mental disability until that person submits a medical report or vision report stating that the person is physically and mentally capable of operating a vehicle safely and passes the applicable examinations if required under 761—Chapter 604 or 607.

**605.4(3)** The department shall not knowingly license any person who has been specifically adjudged incompetent, pursuant to Iowa Code chapter 229, on or after January 1, 1976, including anyone admitted to a mental health facility prior to that date and not released until after, until the department receives specific adjudication that the person is competent. A medical report stating that the person is physically qualified to operate a motor vehicle safely shall also be required.

**605.4(4)** The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

*a.* If a medical report indicates a pattern of only syncope, the department may license without a six-month episode-free period after favorable recommendation by the medical advisory board.

*b.* If a medical report indicates a pattern of such episodes only when the person is asleep or is sequestered for sleep, the department may license without a six-month episode-free period.

*c.* If an episode occurs when medications are withdrawn by a qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

*d.* If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, the qualified medical professional is not treating the person for the episode or a contributing health condition, and the qualified medical professional believes the episode is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional. As used in this paragraph, a “single nonrecurring episode” means an incident that is not caused by a health condition and there is no history of prior episodes or a health condition that may cause such an episode.

**605.4(5)** The department shall not license any person who must wear bioptic telescopic lenses to meet the visual acuity standard required for a license.

**605.4(6)** When a medical report is required, a license shall be issued only if the report indicates that the person is qualified to operate a motor vehicle safely. The department may submit the report to the medical advisory board for an additional opinion.

**605.4(7)** When the department receives evidence that an Iowa licensed driver has been adjudged incompetent or is not physically or mentally qualified to operate a motor vehicle safely, the department shall suspend the license for incapability, as explained in rule 761—615.14(321), or shall deny further licensing, as explained in rule 761—615.4(321).

**605.4(8)** The department shall not knowingly issue a license to a person who is the named individual on a certificate of noncompliance that has been received from the child support recovery unit, until the department receives a withdrawal of the certificate of noncompliance or unless an application has been filed pursuant to Iowa Code section 252J.9.

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 321.13, 321.177, 321.186, 321.193, 321.210, and 321.212.

[ARC 4586C, IAB 7/31/19, effective 9/4/19; ARC 6969C, IAB 4/5/23, effective 5/10/23]